

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14135 of 2017

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Dr. Anil Kumar Singh, son of Late Ramashray Singh, Resident of Village-
Sherpur, P.S. Vidyapati Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur through its Vice- Chancellor at Samastipur.
2. The Registrar, Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur through its Vice- Chancellor.
3. The Director General, Indian Council of Agriculture Research, Krishi Bhawan, New Delhi.
4. The Dean (Agriculture Engg)-cum- Chairman, Enquiry Committeeman, Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur.
5. The Director, Administration Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar, Sr. Advocate
For the Respondent/s : Mr. Arvind Ujjwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 14-05-2018 The petitioner is aggrieved by the order contained in

memo no. 79 dated 16th December, 2016 whereby the petitioner

has been inflicted punishment of censure for alleged

misconduct.

Learned counsel for the University submits with

reference to the counter affidavit that the punishment was

inflicted on the basis of the report of the Enquiry Committee



constituted by the University, however, he admits that the Enquiry Committee has not given any notice to the petitioner and behind his back, the report was submitted and thereafter the respondents have not conducted any enquiry.

Learned counsel for the petitioner submits that in view of the aforesaid, it is admitted position that order of punishment visiting the petitioner with civil and civil consequences has been passed without opportunity to the petitioner. Censure is a minor punishment but if the decision is taken on the basis of enquiry report then the respondents are required to provide opportunity of hearing in the enquiry and in the absence of providing opportunity of hearing and punishment in the enquiry on the basis of report of such enquiry which was conducted behind the back of the petitioner, any decision is taken, the same is violative of principles of natural justice and as such the order inflicting punishment of censure cannot sustain.

The Court finds substance in the submission of learned senior counsel appearing on behalf of the petitioner. The order contained in Annexure-3 dated 16.12.2016 cannot stand and hence, the same is quashed.

The respondents are directed to restore all the benefits to which the petitioner is entitled treating the order contained in



Annexure-3 as never existed.

With the aforesaid, the writ petition stands allowed to
the extent as indicated above.

(Anil Kumar Upadhyay, J)

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